

1 Nico Banks, Esq.
2 nico@bankslawoffice.com
3 Filing on behalf of all Plaintiffs
4 CA Bar No. 344705
5 Banks Law Office
6 712 H St NE,
7 Unit #8571,
8 Washington, DC 20002
9 Tel.: 971-678-0036

10 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

11 MOULOUD HOCINE;
12 JENNIFER LEHMKUHL HILL;
13 AMUND THOMPSON;
14 DAVID HOUGH;
15 PAUL PANICO
16
17
18
19
20
21
22
23
24
25
26
27
28

Plaintiffs,

vs.

RYAN CARROLL;
MAX K. DAY;
MAX O. DAY;
MICHAEL DAY;
YAX ECOMMERCE LLC;
PRECISION TRADING GROUP, LLC;
WA DISTRIBUTION LLC;
PROVIDENCE OAK PROPERTIES,
LLC;
WA AMAZON SELLER LLC;
MKD INVESTMENT ADVISOR, LLC;
MKD FAMILY BENEFICIARY, LLC;
MKD FAMILY PRIVATE
MANAGEMENT COMPANY, LLC;
MAX DAY CONSULTING, LLC;

Case No.: 2:24-cv-02886

**[PROPOSED] ORDER GRANTING
PLAINTIFFS' EX PARTE MOTION
FOR A TEMPORARY
RESTRAINING ORDER AND
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

1 HOUTEX FARM EQUITY PARTNERS
2 LLC;
3 BUSINESS FINANCIAL SOLUTIONS
4 ADVISORY LLC;
5 EVO MAXX LLC;
6 YAX IP AND MANAGEMENT INC.
7 (D.B.A. "FULFILLABLE");
8 WWKB LLC;
9 DREAMS TO REALITY LLC;

Defendants.

10 **EX PARTE APPLICATION FOR A TEMPORARY RESTRAINING ORDER**
11 **AND ORDER TO SHOW CAUSE RE: PRELIMINARY INJUNCTION**

12 Plaintiffs filed their Complaint and moved *ex parte* for an order that: (1) temporarily orders
13 Defendants not to transfer, liquidate, or otherwise dispose of any assets owned by or held for the
14 benefit of Defendants, except what is necessary for personal living expenses; (2) orders Defendants
15 to provide a list of their financial accounts within five days of receiving the order; and (3) orders
16 Defendants to show cause, if they have any, about why a preliminary injunction should not issue.

17 **FINDINGS OF FACT**

18 The Court, having considered the Complaint, the *ex parte* Motion for a Temporary
19 Restraining Order, and the memorandum of points and authorities and declarations filed in support
20 thereof, finds that:

- 21 A. Defendants received adequate notice of Plaintiffs' *ex parte* motion for a temporary
22 restraining order and order to show cause regarding a preliminary injunction.
23 B. As demonstrated by Plaintiffs' declarations, Plaintiffs' attorney's declaration, and
24 declarations by other individuals who are former clients of Wealth Assistants, Plaintiffs
25 have established a likelihood of success in showing that Defendants intentionally
26 misrepresented the business opportunities that they marketed to Plaintiffs in violation of
27

1 California Business and Professions Code § 17200 and §17500 and that Plaintiffs
2 suffered damages as a result.

3 C. There is good cause to believe that immediate and irreparable harm to the Court's ability
4 to grant effective final relief for Plaintiffs will occur from the dispersion by Defendants
5 of their assets unless Defendants are immediately enjoined by order of this Court from
6 disposing of their assets and ordered to produce to Plaintiffs information sufficient to
7 identify their assets.

8
9 D. There is no reason to believe that Defendants will sustain any costs or damages by
10 reason of being wrongfully enjoined or restrained. Accordingly, Plaintiffs are not
11 required to post any security by reason of Federal Rule of Civil Procedure 65(c).

12 **IT IS THEREFORE ORDERED** that Defendants are each ordered to appear before this court
13 on _____, 2024, at the hour of _____, in Department _____ of at this
14 Court located at _____. Defendants are
15 ordered to show cause, if they have any, why each of them should not be preliminarily enjoined
16 from withdrawing, transferring, spending, or otherwise disposing of any assets held by or for the
17 benefit of Defendants until the close of this proceeding, except that each human Defendant
18 would be allowed to spend what is necessary for ordinary personal or household expenditures,
19 which expenditures would not be allowed to exceed \$9,000 per month without leave of the
20 Court.
21

22
23 **IT IS FURTHER ORDERED** that Defendants are hereby temporarily restrained from
24 withdrawing, transferring, spending, or otherwise disposing of any assets held by or for the
25 benefit of Defendants without leave of the Court, except that each human Defendant may spend
26 what is necessary for ordinary personal or household expenditures, which expenditures may not
27

1 exceed \$9,000 per month without leave of the Court. Furthermore, Defendants are ordered to
2 produce to Plaintiffs, within five days following the service of this Order: (1) identifying
3 information for all accounts that contain assets held by or for the benefit of Defendants,
4 including the name of the financial institution, the account number, and the name of the account
5 holder; and (2) for each identified account, the value of the assets held in the account.

6 This temporary restraining order expires on _____, 2024.

7 Any responsive papers shall be filed and served by Defendants no later than _____,
8 2024.
9

10
11
12 Date: _____
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 Dated: April 9, 2024

2
3 /s/Nico Banks

4 Nico Banks, Esq.

5 Banks Law Office

6 Tel.: 971-678-0036

7 Bar No.: 344705

8 E-mail: nico@bankslawoffice.com

9 712 H St NE,

10 Unit #8571,

11 Washington, DC 20002